

Appl. No. 10/059,429
Amendment and Terminal Disclaimer
Reply to final Office action of 10 September 2003

Pag 4 of 6

REMARKS / DISCUSSION OF ISSUES

Claims 1 and 3-6 are pending in the application. Claims 3 and 6 are allowed.

The final Office action withdraws the 35 USC § 112 and the 35 USC § 102 and 35 USC § 103 rejections over the cited references. Applicant thanks the Examiner for this indication of patentable subject matter.

The final Office action objects to the disclosure, requiring that in the various formulae " $0 \leq z < 1$ " in the specification be replaced by $0 < z < 1$. Applicants respectfully disagree with the necessity for this change, however the specification is amended as required because the matter is considered *de minimis* and a person of ordinary skill in the art will understand what is meant in either case. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

The final Office action rejects claim 2 under 37 CFR 1.75(c) as duplicative of claim 1 because the term "intrinsically pigmented" of claim 1 is defined in the specification using the language of claim 2. Accordingly, claim 2 is canceled without prejudice or disclaimer of its subject matter.

The final Office action rejects claims 1, 2, 4, and 5 under the obviousness-type double-patenting doctrine over U.S. Pat. No. 6,462,473. In response, applicants submit a Terminal Disclaimer to obviate this rejection. Accordingly, withdrawal of the double-patenting rejection of claims 1, 2, 4, and 5 is respectfully requested.

All matters with respect to patentability have now been resolved. Accordingly, applicant(s) respectfully request(s) that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for

Appl. N . 10/059,429

Page 5 of 6

Am ndm nt and T rmin al Dis laim r

R ply to final Offic acti n of 10 S ptemb r 2003

allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric M. Bram
Reg. 37,285
Att'y for Applicant(s)
Philips Intellectual Property
& Standards

P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9635
Fax: (914) 332-06150

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

DE-010029In re Application of: **JUESTEL, et al.**Application No. **10/059,429**Filed: **January 29, 2002**For: **PLASMA PICTURE SCREEN WITH A PHOSPHOR LAYER**

The owner, Koninklijke Philips Electronics N.V., of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,462,473**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge Deposit Account 14-1270, the terminal disclaimer fee under 37 CFR 1.20(d).

The undersigned is an attorney of record.



Signature

10 December 2003

Date

ERIC M. BRAM, REG. 37,285

Typed or printed name

CERTIFICATE OF TRANSMISSION

I certify that this correspondence is being
transmitted by facsimile to the U.S. Patent
and Trademark Office at **703-872-9311**

On: 10 December 2003

By: 

See Comments to form

S:\BR\DE01\DE010029 Terminal Disclaimer.doc